

Attorney Docket: 19052-US1
Serial No. 09/823,649
Response
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REMARKS/ARGUMENTS

Status of the Claims

Claims 13-16, 20-24, 27-32, 36-44, and 48-52 are pending. Independent claims 13, 29, and 41 have been amended essentially as helpfully suggested by the Examiner during the interviews referred to below.

These clarifying amendments introduce no new matter and support is replete throughout the specification as originally filed. Exemplary support for the amended claims can be found at, e.g., page 3, line 28 and page 4, line 11.

These amendments are made without prejudice and are not to be construed as an abandonment of the previously claimed subject matter or agreement with any objection or rejection of record. Applicants respectfully request that all of these amendments be entered.

Record of Interview Substance

The Applicants provide herewith the following interview summaries to be made of record with respect to the subject application. The Applicants thank the Examiner for the helpful interviews (hereinafter, Interviews). The substance of the Interviews was as follows:

Participants: Jeanine Goldberg (Examiner) and Christopher Sappenfield (Attorney)

Dates of Interviews: September 6, 2006 and supplemented, September 18, 2006

Interview Type: Telephonic

Exhibit shown or demonstration conducted: Submitted exhibits illustrating that the phrase "polymerase domain" as used in the claims is known in the art.

Claims discussed: The independent claims of record.

Art discussed: WO 95/14770 (hereinafter, Bergquist).

Agreement with respect to the claims discussed: Examiner agreed that the claims as amended herein would be allowable.

Identification of principal proposed amendments of a substantive nature discussed: To overcome the rejections of record, discussed amending the claims to further specify that

the polymerase domain recited in each independent claim has the ability to incorporate nucleotides.

General thrust of the Applicant's principal arguments: Bergquist does not teach or suggest a DNA polymerase that includes a polymerase domain comprising the claimed motifs.

General indication of any other pertinent matters discussed: Not applicable

General results or outcome of the interview: Examiner agreed to that the claims as amended herein would be allowable.

35 U.S.C. § 102

The Action rejects claims 13, 20-24, 27-30, 36-42, and 48-52 under 35 U.S.C. § 102(b) as allegedly being anticipated by Bergquist. There are three independent claims among these rejected claims, namely, claims 13, 29, and 41. Each of these independent claims has been amended herein, essentially as the Examiner helpfully suggested during the Interviews, to state that "in its native form said DNA polymerase comprises a polymerase domain comprising an amino acid sequence that is SEQ ID NO: 1, wherein said polymerase domain has the ability to incorporate nucleotides". As discussed during the helpful Interviews, these amendments further clarify that the recited polymerase domain, which has the ability to incorporate nucleotides, comprises the claimed motifs unlike the enzyme allegedly disclosed Bergquist. Therefore, Bergquist does not anticipate any of claims 13, 29, or 41. As a consequence, it necessarily follows that all of the claims that depend from these independent claims are also not anticipated by this cited art. Accordingly, Applicants respectfully request that all of these rejections be withdrawn.

CONCLUSION

In view of the foregoing, the Applicants believe all claims of the subject application are in condition for allowance. The issuance of a formal notice of allowance at an early date is respectfully requested.

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The Commissioner is hereby authorized to charge Deposit Account No. 50-0812 for any fees due with the filing of this Response or credit overpayment to Deposit Account No. 50-0812.

If the Examiner believes a telephone conference would be of further assistance, please telephone the undersigned at 510-814-2786.

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Respectfully submitted,



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Attachments:

- 1) A transmittal sheet;
- 2) A petition for extension of time under 37 C.F.R. § 1.136